



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

DEC 01 2015

Mr. Robert Usab
EHS Manager
Polynt Composites USA, Inc.
920 Tightsqueeze Road
Chatham, VA 24531

Re: Notice of Violation
Compliance Evaluation Inspection
September 19 & September 20, 2012
EPA ID No. VAD055046049

Docket No.: R3-16-NOV-RCRA-03

Dear Mr. Usab:

On September 19 and September 20, 2012, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Polynt Composites USA, Inc. located in Chatham, Virginia ("Polynt" or "Facility") under the federally authorized Commonwealth of Virginia Hazardous Waste Management Regulations ("VaHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the CEI and from the information you provided in your June 18, 2015 information request letter ("IRL") response, EPA has determined that Polynt has violated regulations under VaHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. During the EPA CEI, the EPA inspector observed a railcar used for the accumulation of hazardous waste. At the time of the inspection, the railcar was labeled with the words "Hazardous Waste." However, the railcar was not dated with the accumulation start date. In your June 18, 2015 IRL Response, the Facility indicated it now has procedures in place to mark the railcar with an accumulation start date.

Based the observations made by the EPA inspector at the time of the CEI, EPA concludes that Polynt failed to mark the railcar with the accumulation start date in accordance with 9 VAC 20-60-262, as incorporated by reference in 40 CFR § 262.34(a)(2).

2. During the EPA CEI, the EPA inspector observed two containers located outside the Facility onsite laboratory. One container was used for the accumulation of debris and empty sample containers generated from inside the laboratory, and the other container was used for the accumulation of QC testing residue generated from inside the laboratory. At the time of the EPA CEI, each container was labeled with the words "Hazardous Waste." However, the containers were not marked with an accumulation start date.

Based on observations made during the EPA CEI, the contents of both containers was hazardous waste that was generated from inside the laboratory. Since the point of generation of the process that generates the hazardous waste is located in a separate room from where the waste is being accumulated, the two accumulation containers do not meet the satellite accumulation area ("SAA") container requirements as referenced in 9 VAC 20-60-262, because both containers are not under the control of the operator of the processes generating the wastes. Therefore, the two hazardous waste containers located outside the laboratory should be marked with the accumulation start date. In accordance with 9 VAC 20-60-262, as incorporated by reference in 40 CFR § 262.34(a)(2), Polynt failed to mark each container of hazardous waste with the accumulation start date.

Areas of Concern

During the EPA CEI, the EPA inspector observed two 55-gallon drums that are hard-piped to the Facility's emissions control (thermal oxidizer) closed-vent system. In Polynt's June 18, 2015, IRL response to Question 5.a., Polynt indicated that the 55-gallon drums ("knockout pots") are part of process piping systems, and the knockout pots are not waste management units. Polynt's IRL narrative response indicates that the knockout pots are connected to "drain legs" that are "installed in the vent collection header" between the Facility's thinning/blending process units and the thermal oxidizer. The IRL response further states that each of the "drain legs" is used to remove organic vapor condensate before the condensate reaches the thermal oxidizer. In review of the Facility's IRL response, there was no information provided that indicates the "knockout pots" are process units. The "drain legs" are connected to "vent header piping" of the Facility's volatile organic emissions control system, and the knockout pots are connected to the "drain legs," which are used to accumulate hazardous organic condensate. The hazardous waste organic condensate is generated at the "vent collection header" of the Facility's emission control system, which is not a process unit, and the knock pots are being used by Polynt to accumulate ignitable ("D001") hazardous waste organic condensate.

Since the knockout pots and the affiliated equipment are fixed units that are hard-piped to the "drain legs" of the emissions control unit, and are used for the accumulation of ignitable hazardous waste, the knockout pots should be subject to the hazardous waste tank system requirements in accordance with 40 CFR 262.34(a)(1)(ii), which references 40 CFR Part 265 Subpart J.

Additionally, in its June 18, 2015 IRL response to Question 6.c., Polynt provided a waste profile which was included as Attachment 12 in its response. The waste profile for the organic condensate accumulated in the knockout pots indicates the waste stream exhibits the characteristic of ignitability, and it was determined by the Facility to be a D001 characteristic hazardous waste. Also, Page 2 of the waste profile indicates that the organic condensate is subject to the RCRA Subpart CC volatile organic emissions control requirements. EPA Region III obtained a copy of the Facility's Stationary Source Air Permit from the Virginia Department of Environmental Quality, and the knockout pots are not listed units in the Facility's air permit. Also, the knockout pots and affiliated equipment are not listed in the Facility's RCRA Subpart BB and Subpart CC Compliance Plan, which was included in the IRL response as Attachment 9.

Based on the information gathered during the EPA CEI and from the information provided in the IRL response, the air emissions control standards for equipment leaks from components in contact with organic hazardous waste, as listed in 40 CFR 262.34(a)(1)(ii), which references 40 CFR 265 Subpart BB, may apply to the piping equipment affiliated with the

knockout pots. Additionally, the knockout pots used to accumulate the volatile organic condensate hazardous waste may be subject to the emissions standards for hazardous waste tanks that are used to accumulate volatile organics in accordance with 40 CFR 262.34(a)(1)(ii), which references 40 CFR Subpart CC.

Within **thirty (30) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (410)-305-3429.



Carol Amend
Associate Director
Office of Land Enforcement
Land & Chemicals Division

Nov 30, 2015
Date

cc: A. Ma (3LC70)
P. Belgiovane (3LC70)
L. Romanchik (VADEQ)

